



To: Planning Commission
From: Jana Magoon, PDS Land Use
Subject: **2023 Amendment – Application “Electric Fences”**
Memo Date: November 9, 2022
Meeting Date: November 16, 2022

Action Requested:
Comment and Direction.

Discussion:

At the next meeting on November 16, 2022, the Planning Commission will review the staff analysis and preliminary conclusions on the application of “Electric Fences” for the 2023 Annual Amendment to the [One Tacoma Comprehensive Plan](#) and [Land Use Regulatory Code](#) (or “[2023 Amendment](#)”).

The “Electric Fence” application seeks to change the Land Use Code to allow electric fences in Commercial Districts.

Attached to facilitate the Commission’s review and discussion is a staff report including appropriate exhibits. The Commission is requested to provide comments and direction, and if appropriate, direct staff to proceed with draft code.

In particular, and recognizing that this stage of the process is focused on identifying a set of potential code changes that could be released for public review and public hearing next spring, staff would focus the Commission on some of the early, key policy option questions that are outlined on page 6 of the report and also noted here:

- Should height of fences be restricted? Most electric fences are 10 feet tall.
- Should we prohibit electric fences when visible from ROW or residential (similar to barbed wire) or allow with screening?
- Should we allow chain link? If we allow chain link, should we require black?
- Should we limit to C-1 and C-2? Include Downtown? Include Mixed Use?

Project Summary:

The [2023 Amendment](#) is an annual process for amending the Comprehensive Plan and/or Land Use Regulatory Code pursuant to Tacoma Municipal Code, Section TMC 13.02.070. The process is slated for completion in June 2023. The Planning Commission is tentatively scheduled to release the 2023 Amendment Package for public review in March, conduct a public hearing in April, and make a recommendation to the City Council in May; and the City Council’s review/adoption will occur in May-June 2023.

Prior Actions:

- 1/19/22 - Reviewed the City Council’s initial request of “Electric Fences”
- 8/17/22 – Review of Status

Staff Contacts:

- Jana Magoon, jmagoon@cityoftacoma.org
- Lihuang Wung, lwung@cityoftacoma.org



Attachment:

1. Staff Report – “Electric Fence” Application for Land Use Code Change, which includes:
 - Exhibit “A”: City Council Substitute Resolution No. 40955 – adopted May 10, 2022
 - Exhibit “B”: City Council Resolution No. 40881 – adopted November 30, 2021
- c. Peter Huffman, Director



Electric Fence Land Use Regulations Change

Staff Report

November 16, 2022

An application to amend appropriate sections of the Tacoma Municipal Code (TMC) to allow electric fences in multiple zoning districts, subject to certain standards. Currently, electric fences are allowed only in the City's Industrial Districts.

Project Summary	
Project Title:	Electric Fences
Applicant:	City of Tacoma
Location and Size of Area:	City Wide in Commercial Districts
Current Land Use and Zoning:	Commercial Areas
Neighborhood Council Area:	City Wide
Staff Contact:	Jana Magoon, Land Use Division Manager, (253) 882-9713, jmagoon@cityoftacoma.org
Staff Recommendation:	That the Planning Commission direct staff to draft code consistent with proposed elements under Recommendation
Project Proposal:	Electric fences are currently only allowed in Industrial Districts. Pursuant to Resolution No. 40881 (November 30, 2011) and Substitute Resolution No. 40955 (May 10, 2022), the City Council has requested the Planning Commission to evaluate code changes which would facilitate construction of electric fences in districts other than Industrial Districts.



Planning and Development Services

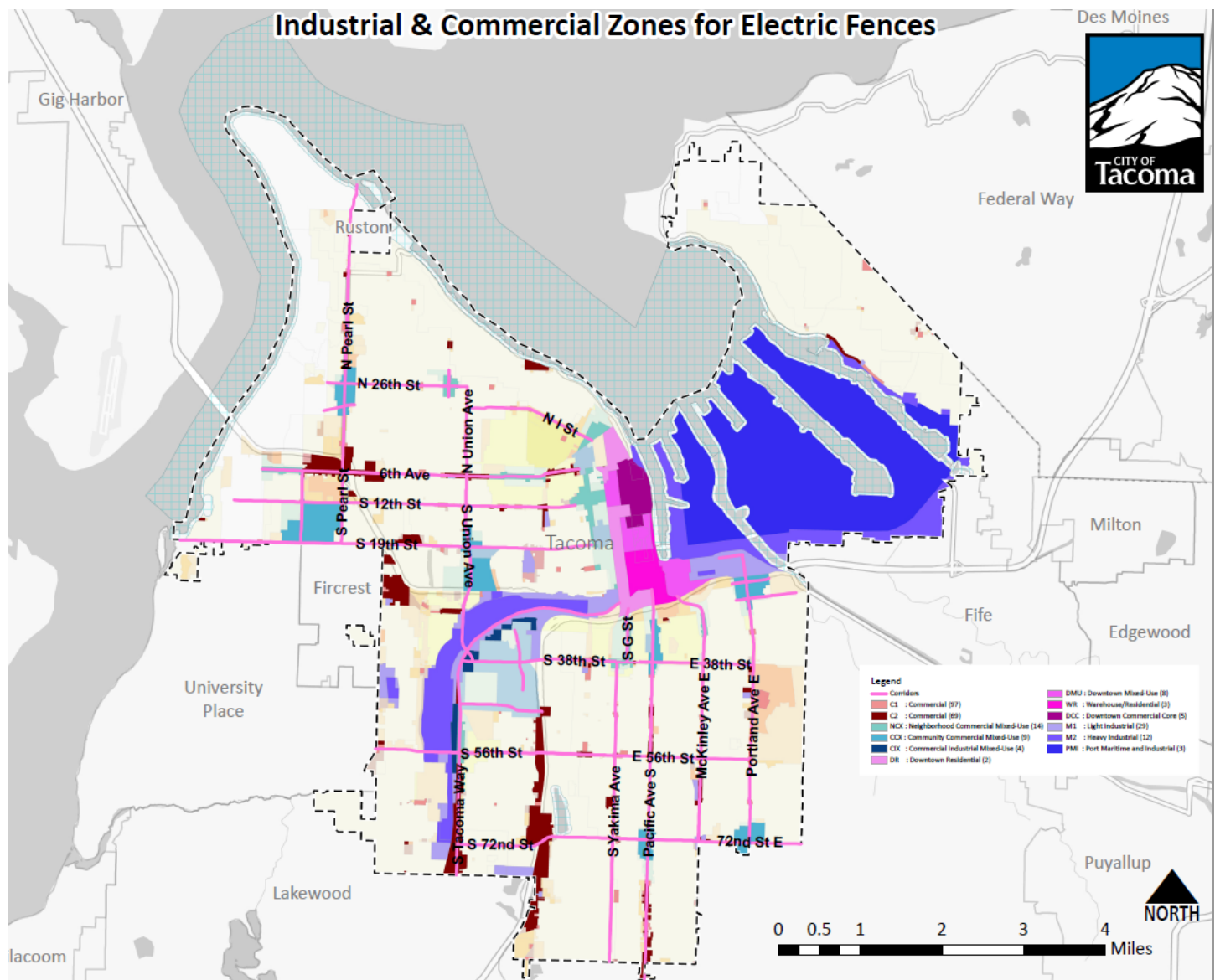
City of Tacoma, Washington
Peter Huffman, Director

Project Manager:
Jana Magoon, Land Use Division
Manager
jmagoon@cityoftacoma.org

Project Website: N/A

A. Area of Applicability

City wide in Industrial and Commercial areas (areas colored in bold).



B. Background

The City has seen a spike in applications for electric fences throughout the City of Tacoma. This is due to the rise in theft and other safety issues that has added expense to local businesses. However, electric fences are currently only allowed in Industrial Districts. Multiple business owners have contacted City Councilmembers seeking alternative ways to reduce further losses. On November 30, 2021, the City Council passed Resolution No. 40881, requesting that the Planning Commission explore development standards that could facilitate the construction of electric fences in commercial areas of the City of Tacoma. On May 10, 2022, the City Council passed Substitute Resolution No. 40955, adjusting the timeline for the study from 2022 Amendment cycle to 2023 Amendment cycle and providing the following additional suggestions for the Commission's consideration:

- (a) Businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the sense of urgency in the community for the regulatory review of this issue;
- (b) There are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside the industrial zones that must be properly addressed; and
- (c) the Commission's review should include, but not be limited to, compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed.

Existing Fence Regulations include:

TMC 13.06.090.K.1.b In Commercial, Mixed Use, and Downtown Districts:

- Barbed and razor wire allowed ONLY when not visible to public street or adjacent residential use
- Chain link is PROHIBITED between front of building and public street, except when necessary to protect a critical area or around a recreational use.
- Electrified fencing is PROHIBITED
- MAXIMUM height of a fence between front of building and public street is limited to 3 feet in height; EXCEPT a decorative fence may be allowed up to 8 feet in height provided at least 50% of the fence is transparent AND a minimum 5-foot landscaped area "softens" the view of fence. Fences required by Washington State Liquor Control Board are exempt from 3-foot height limit provided the area between 3 feet and 7 feet is 50% transparent.
- MAXIMUM height of a fence in the Street Level Residential Transition Area is 5 feet.
- MAXIMUM height of a fence along alley is limited to 3 feet in height; EXCEPT when fence design allows that the area between 3 feet and 7 feet is at least 20% transparent.

C. Analysis

Staff analysis of this application has been conducted in accordance with TMC 13.02.070.F.2, which requires the following four provisions be addressed, as appropriate:

- A staff analysis of the application in accordance with the elements described in 13.02.070.D;
- An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
- An analysis of the amendment options identified in the assessment report; and
- An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

a. A staff analysis of the application in accordance with the elements described in 13.02.070.D;

TMC 13.02.070.D, subsection 5.d.(1), requires that the following objectives shall be met by applications for the annual amendment:

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
Staff Response: This requested code change does not address inconsistencies or errors in the Comprehensive Plan or development regulations.
- **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;**
Staff Response: The City has seen a spike in applications for electric fences throughout the City of Tacoma. This is due to the rise in theft and other safety issues that has added expense to the local businesses.
- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern;**
Staff Response: Historically, electric fences have been considered unsightly and dangerous. In addition, over the years, the Land Use Code has been modified to limit type, location, and height of fences in commercial and mixed-use districts. Appropriate development standards are critical if electric fences are allowed in commercial districts.
- **Enhance the quality of the neighborhood.** The purpose of this change is to reduce vandalism and theft of certain properties, which can be construed as an enhancement to the neighborhood. However, appropriate development standards will be an important element of this proposal if quality of neighborhood will be protected.

b. An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;

Staff has identified the following pertinent policies for the Planning Commission's review of the proposal for consistency with the Comprehensive Plan. Staff notes that the proposal is generally compatible with the following goals and policies contained within the One Tacoma Comprehensive Plan. Provided appropriate development regulations are adopted, the expansion of electric fences into commercial and downtown areas will be consistent with applicable policies.

Urban Form:

- **Goal UF-10.6:** Encourage public street and sidewalk improvements along Avenues to support the vitality of business districts, create distinctive places, provide a safe and attractive pedestrian environment, and contribute to creating quality living environments for residents.
- **Policy UF-13.10:** - Maintain and enhance the existing commercial areas while preserving the unique features of these neighborhoods.
- **Policy UF-13.38:** Support the development of Pacific Avenue as a growing business and employment center and enhance streetscapes to improve pedestrian safety and promote the corridor as a civic footprint.

Design + Development:

- **GOAL DD–8:** Promote development practices that contribute to a sense of safety and reduction in opportunities for crime.
- **GOAL DD–1.1:** Encourage excellence in architecture, site design, and infrastructure and durability in building materials to enrich the appearance of a development's surroundings.
- **GOAL DD–1.12:** Encourage building and site design approaches that help prevent crime.
- **Policy DD–5.3:** Promote building and site designs that enhance the pedestrian experience in centers and corridors, with windows, entrances, pathways, and other features that provide connections to the street environment.
- **Policy DD–8.3:** Promote an understanding of the benefits of CPTED among design, development, and investment interests.
- **Policy DD–8.4:** Policy DD–8.4 Promote natural sightlines and visibility through the design and placement of features on sites in ways to provide opportunities for people to observe the space, uses, activities, and people around them.

c. An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

As part of the annual amendment cycle, staff conducts an environmental review, including a non-project action SEPA checklist, to consider the potential environmental impacts of the proposals. In addition, the City Council has adopted a policy to consider equity in all Council actions. As a result, potential impacts need to be assessed through an equity lens utilizing the Tacoma Equity Index and other tools, including the historical context of planning in the area.

Over the years, the Land Use Code has been modified to limit type, location, and height of fences in commercial, downtown, and mixed-use districts. Landscaping is also required in certain instances to soften the appearance of the fence. Limiting fence height and type is a CPTED practice that allows natural sightlines and visibility. This practice, along with landscaping, also facilitates high quality pedestrian scale development at the public right of way.

However, theft and vandalism has become a greater concern in recent years. Staff note that small, locally owned businesses are less able to absorb the cost of property theft and other crime on their property. The recent increase in property crime, vandalism, and thefts targeting businesses threaten our local economy. The fence code should be updated to support our local businesses.

Regarding impacts to the natural environment, electric fences create a hazard to wildlife that utilize the City's critical areas. Consideration should be given to use of electric fences around/adjacent to critical areas.

D. Public Outreach

This application will follow the public process for evaluating and adopting code changes. Appropriate community engagement will be conducted, focusing on the affected business community and the neighborhoods surrounding the subject areas.

E. Recommendation

Staff recommends drafting code that includes the following:

- In all districts where allowed, an electric fence may be constructed up to 10 feet tall.
- In Commercial Districts, the electric fence should be prohibited between front of building and public street (same as cyclone).
- In Commercial Districts, when adjacent to a sidewalk, electric fence should be set back 5 feet from edge of sidewalk AND a secondary fence should be constructed between the fence and the sidewalk. A fence may be substituted by a landscape buffer a minimum of 5 feet wide. (safety)
- In Commercial Districts, if any portion of an electric fences would be visible to right of way or to residential uses, a 5-foot landscape buffer must be located between the fence and property line. Landscaping shall cover 25% of the fence at planting. (see below)
- In Industrial Districts, when adjacent to a sidewalk, electric fences should be set back 5 feet from edge of sidewalk AND a secondary fence should be constructed between the fence and the sidewalk. A fence may be substituted by a landscape buffer. (safety)
- In Commercial, electric fence may be surrounded by a transparent fence of same height. (transparency consistent with existing regulations)
- In Industrial Districts, electric fence may be surrounded by a solid fence of same height.
- Electric Fences are prohibited around or adjacent to a critical area. (restricts movement of wildlife)

Staff questions to Planning Commission:

- Should height of fence be restricted? Most electric fences are 10 feet tall.
- Should we prohibit electric fences when visible from ROW or residential (similar to barbed wire) or allow with screening?
- Should we allow chain link? If we allow chain link, should we require black?
- Should we limit to C-1 and C-2? Include Downtown? Include Mixed Use?

F. Supplemental Information

Attachment A: City Council Substitute Resolution No. 40955 – adopted May 10, 2022

Attachment B: City Council Resolution No. 40881 – adopted November 30, 2021

###



SUBSTITUTE RESOLUTION NO. 40955

1 BY REQUEST OF DEPUTY MAYOR USHKA, AND COUNCIL MEMBERS
2 HINES, MCCARTHY, AND WALKER

3 A RESOLUTION relating to the Land Use Regulatory Code; modifying the
4 timelines for the proposed land use code amendments pertaining to the
5 use of shipping containers for storage, and expanded allowances for the
6 use of electric fences, as previously directed by Resolution No. 40794
7 and Resolution No. 40881, to be considered as part of the Planning
8 Commission's 2023 Comprehensive Plan and Land Use Regulatory
9 Code Amendment docket, and providing additional guidance for
10 Planning Commission consideration.

11 WHEREAS the City Council adopted Resolution No. 40794 on June 8, 2021,
12 and Resolution No. 40881 on November 30, 2021, directing the Planning
13 Commission ("Commission") to review and recommend potential amendments to
14 the Land Use Regulatory Code ("Code") pertaining to the respective issues of
15 shipping containers for storage and electric fences as part of the 2022
16 Comprehensive Plan and Code Amendment process, and

17 WHEREAS shipping containers are, per the Zoning Code, generally
18 allowed only in industrial districts or as temporary uses in other areas, and electric
19 fences are only currently allowed outright in industrial districts and through a
20 variance in other districts, and

21 WHEREAS at its meeting on January 19, 2022, the Commission reviewed
22 the City Council's requests and considered adding either or both issues to the 2022
23 Amendment process, and

24 WHEREAS upon discussion, the Commission concluded that due to the
25 complexity and significant impacts of both issues, as well as the extensive
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community engagement that would be needed, it would be difficult to incorporate them into the 2022 Amendment process, which was already under way, and

WHEREAS the Commission felt it more feasible for these issues to be addressed through the 2023 Amendment process, which has begun and is slated for completion in June 2023, and

WHEREAS the Infrastructure, Planning, and Sustainability ("IPS") Committee received a briefing from the Chair and Vice-Chair of the Commission on February 23, 2022, of the Commission's initial assessment of the issues, and, upon deliberation, concurred with the Commission's suggestions that the issues relating to electric fences and shipping containers be included in the docket for review through the 2023 Amendment process, and that evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Project Phase II, and

WHEREAS the IPS Committee provided additional clarifications and suggestions concerning the scope of work for shipping containers: (1) the Commission should focus more on issues relating to using shipping containers as innovative housing solutions, and also shipping containers for storage and other uses specifically in commercial districts, and (2) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in, and

WHEREAS the IPS Committee also provided additional clarification and suggestions concerning electric fences: (1) businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the



sense of urgency in the community for the regulatory review of this issue, (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside the industrial zones that must be properly addressed, and (3) the Commission's review should include, but not be limited to, compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed, and

WHEREAS the Long-Range Planning Work Program is developed in concert with the Planning Commission and City Council, through the Infrastructure, Planning, and Sustainability Committee, based on project prioritization, public input and available resources, and while the next annual work program update is scheduled to occur in August 2022 the Committee has expressed an interest in also receiving a semi-annual work program update each year in the spring, and reviewing the capacity and process of review such that requests might be considered on a more timely basis in quickly changing environments, and

WHEREAS the IPS Committee's recommendations concerning the Commission's scopes for review and timelines for the shipping container and electric fence issues require a resolution to amend Resolution No. 40794 and Resolution No. 40881; Now, Therefore,



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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to modify the timelines for the proposed land use code amendments pertaining to the use of shipping containers for storage and other uses, and expanded allowances for the use of electric fences, as previously directed by Resolution No. 40794 and Resolution No. 40881, to be considered as part of the Planning Commission's 2023 Comprehensive Plan and Land Use Regulatory Code Amendment docket, and providing additional guidance for Planning Commission consideration.

Adopted May 10, 2022


Mayor

Attest:


City Clerk

Approved as to form:


Deputy City Attorney



TO: Elizabeth Pauli, City Manager
FROM: Jana Magoon, Division Manager, Planning and Development Services
Brian Boudet, Division Manager, Planning and Development Services
Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Resolution – Scope and Timeline for Shipping Containers and Electric Fences – April 26, 2022
DATE: April 13, 2022

SUMMARY AND PURPOSE:

A resolution modifying the timelines for the proposed land use code amendments pertaining to the use of shipping containers for storage, and expanded allowances for the use of electric fences, as previously directed by Resolutions No. 40794 and No. 40881, to be considered as part of the Planning Commission's 2023 Comprehensive Plan and Land Use Regulatory Code Amendment docket; and providing additional guidance for Planning Commission consideration.

COUNCIL SPONSORS:

Council Member Kristina Walker, Council Member John Hines, Deputy Mayor Catherine Ushka, and Council Member Conor McCarthy.

BACKGROUND:

The City Council adopted Resolution No. 40794 on June 8, 2021, and Resolution No. 40881 on November 30, 2021, directing the Planning Commission to review and recommend potential amendments to the Land Use Regulatory Code pertaining to the respective issues of shipping containers for storage and electric fences as part of the 2022 Comprehensive Plan and Land Use Regulatory Code Amendment process.

At its meeting on January 19, 2022, the Planning Commission reviewed the City Council's requests and considered adding either or both issues to the 2022 Amendment process. Upon discussion, the Commission concluded that due to the complexity and significant impacts of both issues, as well as the extensive community engagement that would be needed, it would be difficult to incorporate them into the 2022 Amendment process, which was already well under way. The Commission felt it more feasible for these issues be addressed through the 2023 Amendment process, which has begun and is slated for completion in June 2023.

The Infrastructure, Planning, and Sustainability (IPS) Committee received a briefing from the Chair and Vice-Chair of the Planning Commission on February 23, 2022 of the Commission's initial assessments of the issues and, upon deliberations, concurred with the Commission's suggestions that the issues relating to electric fences and shipping containers' use for storage be included in the docket for review through the 2023 Amendment process, and that evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Phase II.



In addition, concerning the scope of work for shipping containers, the IPS Committee provided these additional clarifications and suggestions: (1) the Commission should focus more on issues relating to using shipping containers as innovative housing solutions and also allowing shipping containers for storage specifically in commercial districts; and (2) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in.

Concerning electric fences, the IPS Committee provided these additional clarifications and suggestions: (1) businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the sense of urgency in the community for the regulatory review of this issue; (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside of industrial zones that must be properly addressed; (3) the Commission's review should include, but not be limited to: compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed.

The IPS Committee's recommendations concerning the Planning Commission's scopes of review and timelines for the shipping container and electric fence issues as enunciated above require a resolution to amend Resolutions No. 40794 and No. 40881.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

This resolution would amend the scopes of work and timelines as previously specified in Resolutions No. 40794 and No. 40881. As the Planning Commission proceeds with the requested code review, public comment and stakeholder input will be taken on any proposed changes. It is noted that, concerning code changes to allow for electric fences, the City Council have been contacted by Tacoma business owners who have already faced losses due to theft and are seeking alternative ways to reduce further losses that threaten their business.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

This is a modification to the initial requests for the Planning Commission's review of issues relating to shipping containers and electric fences. Considerations of any policy change should include a review of impacts on racial and other inequities, disparities, or discrimination to under-represented communities.

Economy/Workforce: *Equity Index Score:* Moderate Opportunity

Increase the number of Tacoma households that have livable wage jobs within proximity to the city.

Decrease the number of vacant properties downtown and in the neighborhood business districts.

Livability: *Equity Index Score:* Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

Livability: *Equity Index Score:* Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

Explain how your legislation will affect the selected indicator(s).

Concerning the issue of shipping containers, reuse of the containers in an aesthetically acceptable way could



provide a sustainable, affordable solution to accessory building, storage, and/or housing needs. While this request does not specify any policy outcome, the review will consider how limited exceptions to the shipping container prohibition might impact public perception of overall quality of life.

Concerning the issue of electric fences, City Council Members have heard from local businesses that have been victims of theft and other crime that threaten their ability to maintain their businesses in the City. Expanding options for these business owners to secure resources their businesses rely on will increase the perception of safety and quality of life, and also will reduce the likelihood the businesses will shut down or leave the City. Small, locally owned businesses are less able to absorb the cost of property theft and other crime on their property. The recent increases in property crime, vandalism, and thefts targeting businesses threaten our local economy.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Take no action (i.e., no amendment to Resolutions No. 40794 or No. 40881)	The Planning Commission will fulfill the City Council's requests per the original resolutions, providing a recommendation in 2022.	The Planning Commission is currently considering four applications as part of the 2022 amendment process, three of which are private applications, including the NewCold Land Use Designation Request, South Sound Christian Land Use Designation Request, and the South Tacoma Groundwater Protection District Work Plan. As the public hearing and comment period have already been conducted for these applications, this alternative, incorporating the two topics, shipping containers and electric fences, would necessitate a significant delay in the consideration of these other applications and a need to conduct a new SEPA analysis and public comment process.

EVALUATION AND FOLLOW UP:

If this resolution is approved, the Planning Commission will proceed with the review of shipping containers and electric fences in accordance with the scope of work and timelines as specified.

STAFF/SPONSOR RECOMMENDATION:

The sponsors recommend approval of this resolution.



FISCAL IMPACT:

Adoption of the resolution would not result in a fiscal impact or any additional expenses. The Comprehensive Plan and Land Use Regulatory Code Amendment process is conducted annually for the purpose of considering these types of requests.

Are the expenditures and revenues planned and budgeted in this biennium's current budget?

YES

The resolution simply requests consideration of land use regulatory code amendments as part of the annual amendment process. This process is already planned and budgeted and this specific request does not result in any additional fiscal impacts.

Are there financial costs or other impacts of not implementing the legislation?

YES

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

Resolution No. 40955 Substitute

Adopted: MAY 10 2022

Maker of Motion: Ushka

Seconded: Blocker

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
CM Blocker	X			
CM Bushnell	X			
CM Daniels	X			
CM Hines	X			
CM McCarthy	X			
CM Rumbaugh	X			
CM Ushka	X			
CM Walker	X			
Mayor Woodards	X			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
CM Blocker				
CM Bushnell				
CM Daniels				
CM Hines				
CM McCarthy				
CM Rumbaugh				
CM Ushka				
CM Walker				
Mayor Woodards				



RESOLUTION NO. 40881

1 BY REQUEST OF COUNCIL MEMBERS HUNTER, McCARTHY, AND THOMS

2 A RESOLUTION relating to the Land Use Regulatory Code; adding consideration
3 of expanding the districts in which electric fences are allowed to the 2022
4 Land Use Regulatory Code Amendment work plan and process, and for
review and recommendation by the Planning Commission.

5 WHEREAS, throughout the City, businesses have raised concerns of
6 increased theft and safety issues that have added severe expenses, and
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8 WHEREAS, at the Study Session of November 23, 2021, Council
9 Member Thoms presented a Council Consideration Request to propose an
10 amendment to Title 13 of the Tacoma Municipal Code ("TMC"), the Land Use
11 Regulatory Code, which would allow the use of electric fences as a secondary
12 security method to protect assets such as parking lots, and
13

14 WHEREAS the fencing would be installed on the inside of a traditional fence
15 and would work as a secondary deterrent for theft, and

16 WHEREAS, currently, electric fences are prohibited in all zoning districts
17 except for industrial; the proposed TMC amendments would be limited to zoning in
18 downtown, commercial, and mixed use districts, and would not include residential
19 zoning, and
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21 WHEREAS sample language and development standards for consideration
22 can be found in the attached Exhibit "A," and

23 WHEREAS the proposed amendment will require a change to
24 TMC 13.06.090.K.3, which requires review by the Planning Commission, and
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WHEREAS the project cycle of the 2022 Annual Amendment to the One Tacoma Comprehensive Plan and/or the Land Use Regulatory Code runs from January 2021 through June 2022, and

WHEREAS the Planning Commission will make recommendations to the City Council for final review and approval in 2022, and it is necessary to include the proposed application to the Land Use Regulatory Code Amendment in the 2022 process in order to expedite considerations of solutions for local businesses impacted by theft and other public safety concerns; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the City Council hereby adds consideration of expanding the districts in which electric fences are allowed to the 2022 Land Use Regulatory Code Amendment work plan and process, and for further review and recommendation by the Planning Commission.

Adopted November 30, 2021


Mayor

Attest:


City Clerk

Approved as to form:


Deputy City Attorney



EXHIBIT "A"

MODEL ELECTRIC FENCE ORDINANCE

A. The construction and use of electric fences shall be allowed in the City only as provided in this section, subject to the following standards:

1. IEC Standard 60335-2-76: Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.

2. Electrification:

a. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.

b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

3. Perimeter fence or wall:

a. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than five feet.

4. Location: Electric fences shall be permitted on any non-residential outdoor storage areas.

5. Height: Electric fences shall have a height of 10 feet (or 2 feet higher than the perimeter fence whichever is higher).

6. Warning signs: Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than sixty feet.

7. Electric fences shall be governed and regulated under burglar alarm regulations and permitted as such.



TO: Elizabeth Pauli, City Manager
FROM: Council Member Robert Thoms
COPY: City Council and City Clerk
SUBJECT: Resolution – Adding an application to the 2022 Land Use Regulatory Code Amendment process to consider increasing districts where electric fences are allowed – November 30, 2021
DATE: 11/23/2021

SUMMARY & PURPOSE:

A Resolution to add an application to increase districts where electric fences are allowed to the 2022 Land Use Regulatory Code Amendment process for consideration and technical analysis.
[Council Member Thoms]

COUNCIL SPONSORS:

Council Members Hunter, McCarthy, and Thoms

BACKGROUND:

This Council Member's Recommendation is Based On:

This resolution directs the City Manager to have staff and the Tacoma Planning Commission evaluate a code change to increase the number of districts where electric fences are allowed through the 2022 Land Use Regulatory Code Amendment process.

Throughout the City, businesses have raised concerns of increased theft and safety issues that have added severe expenses. The intention of this resolution is to propose code that would allow the use of electric fences as a secondary security method to protect assets like parking lots. The fencing would be installed on the inside of a traditional fence, and would work as a secondary deterrent for theft. Currently, electric fences are prohibited in all zoning districts except for industrial. Consideration of code changes should be limited to zoning in downtown, commercial, and mixed use districts. It does not include residential zoning. Sample language and development standards for consideration can be found in Exhibit A attached to the resolution.

The proposal to change where electric fences will require a change to TMC 13.06.090.K.3, which requires review by the Tacoma Planning Commission. The project cycle of the 2022 Annual Amendment to the One Tacoma Comprehensive Plan and/or the Land Use Regulatory Code ("2022 amendment") runs from January 2021 through June 2022. The *One Tacoma Plan* is the blueprint for achieving the community's vision for future growth and the Land Use Regulatory Code (Title 13 of the Tacoma Municipal Code) is a key tool to implementing the goals and policies of the Plan. These documents are reviewed and amended, generally, on an annual basis in accordance with the State Growth Management Act in order to maintain their effectiveness. The Planning Commission will make recommendations to the City Council for final review and approval in 2022.

COMMUNITY ENGAGEMENT/ (CUSTOMER RESEARCH):

Tacoma business owners have contacted City Council members requesting code be changed to allow for electric fences. These business owners have already faced losses due to theft and are seeking alternative ways to reduce further losses that threaten their business.



2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Small, locally owned businesses are less able to absorb the cost of property theft and other crime on their property. The recent increases in property crime, vandalism, and thefts targeting businesses threaten our local economy.

Economy/Workforce: *Equity Index Score:* Select Index Score.

Increase the number of Tacoma households that have livable wage jobs within proximity to the city.
Decrease the number of vacant properties downtown and in the neighborhood business districts.

Livability: *Equity Index Score:* Select Index Score.

Increase positive public perception of safety and overall quality of life.

Council Members have heard from local businesses that have been victims of theft and other crime that threaten their ability to maintain their businesses in the City. Expanding options for these business owners to secure resources their businesses rely on will increase the perception of safety and quality of life, and also will reduce the likelihood the businesses will shut down or leave the City.

ALTERNATIVES:

Alternative	Positive Impacts	Negative Impacts
1. Take no action	Provide more time for other priorities.	Does not address immediate public safety concerns of business community.
2. Wait for future amendment cycle	Provide more time in immediate future for other priorities, more time to analyze proposal.	Does not address immediate public safety concerns of business community.

EVALUATIONS AND FOLLOW UP:

The 2022 amendment cycle runs from January 2021 through June 2022, with final recommendations being brought to the City Council for approval.

COUNCIL MEMBER RECOMMENDATION:

The recommendation is to include this application to the Land Use Regulatory Code Amendment in the 2022 process in order to expedite considering solutions for local businesses impacted by theft and other public safety concerns.

FISCAL IMPACT:

No fiscal impact



**CITY OF TACOMA, WASHINGTON
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

TO: Mayor & City Council
FROM: Council Member Thoms and Council Assistant Lynda Foster
COPIES TO: Elizabeth Pauli, City Manager; Tadd Wille, Deputy City Manager; Bill Fosbre, City Attorney
SUBJECT: Adding an application to the 2022 Land Use Regulatory Code Amendment process to consider increasing districts where electric fences are allowed
DATE: November 17, 2021

I ask for your support for a Resolution to add an application to increase districts where electric fences are allowed to the 2022 Land Use Regulatory Code Amendment process for consideration and technical analysis.

LEGISLATIVE INTENT:

This resolution directs the City Manager to have staff and the Tacoma Planning Commission evaluate a code change to increase the number of districts where electric fences are allowed through the 2022 Land Use Regulatory Code Amendment process.

Throughout the City, businesses have raised concerns of increased theft and safety issues that have added severe expenses. The intention of this resolution is to propose code that would allow the use of electric fences as a secondary security method to protect assets like parking lots. The fencing would be installed on the inside of a traditional fence, and would work as a secondary deterrent for theft. Currently, electric fences are prohibited in all zoning districts except for industrial. Consideration of code changes should be limited to zoning in downtown, commercial, and mixed use districts. It does not include residential zoning. Sample language and development standards for consideration can be found in the attached document, "Model Electric Fence ordinance".

The proposal to change where electric fences will require a change to TMC 13.06.090.K.3, which requires review by the Tacoma Planning Commission. The project cycle of the 2022 Annual Amendment to the One Tacoma Comprehensive Plan and/or the Land Use Regulatory Code ("2022 amendment") runs from January 2021 through June 2022. The *One Tacoma Plan* is the blueprint for achieving the community's vision for future growth and the Land Use Regulatory Code (Title 13 of the Tacoma Municipal Code) is a key tool to implementing the goals and policies of the plan. These documents are reviewed and amended, generally, on an annual basis in accordance with the State Growth Management Act in order to maintain their effectiveness. The Planning Commission will make recommendations to the City Council for final review and approval in 2022.

ALIGNMENT WITH TACOMA 2025 KEY FOCUS AREAS:

This program, project, or event is best aligned with the following:

Economy/Workforce: *Equity Index Score:* Select Index Score.

Increase the number of Tacoma households that have livable wage jobs within proximity to the city.

Decrease the number of vacant properties downtown and in the neighborhood business districts.

Livability: Equity Index Score: Moderate Opportunity

Increase positive public perception of safety and overall quality of life.


If you have a question related to the Council Contingency Fund Request, please contact Lynda Foster at 253.591.5166 or Lynda.Foster@CityofTacoma.org.


SUBMITTED FOR COUNCIL CONSIDERATION BY: _____


Council Member Thoms

SUPPORTING COUNCIL MEMBERS SIGNATURES (2 SIGNATURES ONLY)

(Signatures demonstrate support to initiate discussion and consideration of the subject matter by City Council for potential policy development and staff guidance/direction.)

1.  POS# 6

2.  POS# 7

Mayor's initials



Resolution No. 40881

Adopted: NOV 30 2021

Maker of Motion: Blocker

Seconded: Thoms

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale				X
Mr. Blocker	X			
Mr. Hines	X			
Ms. Hunter	X			
Mr. McCarthy	X			
Mr. Thoms	X			
Ms. Ushka	X			
Ms. Walker	X			
Mayor Woodards	X			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale				
Mr. Blocker				
Mr. Hines				
Ms. Hunter				
Mr. McCarthy				
Mr. Thoms				
Ms. Ushka				
Ms. Walker				
Mayor Woodards				